

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANDY TORRES,)	
)	
Plaintiff,)	Civil Action No. 03 - 1003
)	
v.)	Judge Arthur J. Schwab
)	Magistrate Judge Lisa Pupo
LT. GREG MOHRING; SGT. ROBERT)	Lenihan
STAFFORD; C.O. POWELL; C.O.)	ELECTRONICALLY FILED
MARSH; CAPT. MCCOWN; SGT.)	
MURRAY; NURSE ARNOLD; C.O.)	
SCHAFER; C.O. SGT. NOVAK; SUPT.)	
JOHNSON; DEP. SUPT. STICKMAN;)	
MATTHEWS, Hearing Examiner;)	
FERSON, Hearing Examiner,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on July 2, 2003 and was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. Subsequently, the case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 6, 2004.

The magistrate judge's report and recommendation, filed on August 10, 2005, recommended that Defendants' Motion to Dismiss (Doc. No. 39) be granted in part and denied in part. It was recommended that said motion be granted as to all of Plaintiff's Section 1986 claims that arose prior to June 30, 2002, and denied in all other respects. Service was made on Plaintiff at CU-3610, SCI Camp Hill, P.O. Box 200, Camp Hill, Pennsylvania 17001, and on counsel for Defendants. No objections to the

report and recommendation were filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 26th day of August, 2005,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Doc. No. 39) is granted in part and denied in part. It is granted as to all of Plaintiff's Section 1986 claims that arose prior to June 30, 2002, and denied in all other respects.

IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lenihan, dated August 10, 2005, is adopted as the opinion of the Court.

/s Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Honorable Lisa Pupo Lenihan
U.S. Magistrate Judge

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